



Vietnam

Country Reports on Human Rights Practices - [2004](#)

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Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensured the primacy of Politburo guidelines and enabled the party to set the broad parameters of national policy. In recent years, the CPV gradually reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remained subject to CPV direction; however, the Government continued to strengthen the capacity of the National Assembly. The National Assembly members were chosen in May 2002 elections in which candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group for the country's mass organizations. Approximately 90 percent of elected delegates were CPV members. The National Assembly continued to play an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency and made progress in improving transparency in the legal and regulatory systems. The judiciary was subject to the influence of the CPV and the Government.

Internal security primarily is the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military is the primary government agency and provides infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintained a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities; however, this system has become less pervasive in its intrusion into most citizens' daily lives. While the civilian authorities generally maintained effective control of the security forces, there were reports that elements of the security forces acted independent of government authority. Members of the public security forces committed numerous human rights abuses.

The country of over 82 million persons was undergoing a rapid transition from a wholly central planned economy to a "socialist-oriented market economy." During the first 6 months of the year, the gross domestic product growth rate was approximately 7 percent and the inflation rate (the Consumer Price Index) rose 7.2 percent. The agriculture, forestry, and fishery sectors employed 59.04 percent of the labor force and accounted for 21.1 percent of total economic output. The private sector, including independent farming and household businesses, comprised 88.2 percent of the labor force, while the state sector accounted for 10.3 percent, and the foreign invested sector 1.5 percent. Industry and construction contributed 41.3 percent of total economic output, while services accounted for 37.6 percent. During the first half of the year, official development assistance disbursements achieved \$630 million. In the last 10 years, overall poverty levels decreased significantly; as of 2003, approximately 26 percent of the population lived below the poverty line. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced CPV and government control over, and intrusion into, citizens' daily lives; however, many citizens in isolated rural areas, including members of ethnic minorities in the Northwest Highlands, Central Highlands, and the central coastal regions continued to live in extreme poverty. There was a growing income and development gap between urban and rural areas and within urban areas. Unemployment and underemployment remained significant problems.

The Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny citizens the right to change their government. Several sources reported that security forces shot, detained, beat, and were responsible for the disappearances of persons during the year. Police also reportedly sometimes beat suspects during arrests, detention, and interrogation. Incidents of detention of citizens and foreign visitors, including detention for peaceful expression of political and religious views, continued. Prison conditions were harsh, but not unduly so given the country's level of economic development. The Government denied some citizens the right to fair and expeditious trials. The Government continued to hold political and religious prisoners. The Government restricted citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association. The Government continued its longstanding policy of not tolerating most types of public dissent and increased efforts to monitor and control citizen's access and use of the Internet; however, the Government allowed elected officials and ordinary citizens in approved forums somewhat greater freedom of expression and of assembly. Security forces continued to enforce restrictions on public gatherings and travel in some parts of the country, particularly in the Central Highlands and the Northwest Highlands. The Government prohibited independent political, labor, and social organizations; such organizations existed only under the control of the VFF. The Government restricted freedom of religion and prohibited the operation of unregistered religious organizations. Participants in unregistered organizations faced harassment as well as possible detention and imprisonment. The Government imposed limits on freedom of movement of some individuals whom it deemed a threat. The CPV continued efforts to strengthen the mechanism for citizens to

petition the Government and for victims of injustice to obtain compensation. The Government made significant steps in improving legal transparency for businesses. The Government did not permit human rights organizations to form or operate. In an effort to respond to international criticism of human rights issues, investigate allegations of misdeeds and better implement regulations protecting human rights, the Government established the inter-ministerial Steering Committee on Human Rights Issues. Violence and discrimination against women as well as child prostitution remained problems, although the Government took steps to combat these social ills. Although the Government took steps to combat trafficking in persons, trafficking in women and children for the purpose of forced prostitution within the country and abroad continued to be a problem, and there were reports of the trafficking of women to China and Taiwan for forced marriages. Discrimination against some ethnic minorities continued to be a problem. The Government restricted some core worker rights, such as freedom of association; however, it cooperated with the International Labor Organization (ILO) and international donors to improve implementation of the labor law. There were reports that children worked in exploitative situations; however, the Government recognized child labor as a problem and attempted to address it.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, there were reports of killings by security forces.

On April 10, ethnic minorities protested in numerous locations in the Central Highlands provinces of Dak Nong, Dak Lak, and Gia Lai. In some of the protests, individuals carried clubs and threw rocks at police officers. In a number of cases, police reportedly responded to by beating and firing upon demonstrators. The Government reported the deaths of three protestors, all at the hands of other demonstrators. Reports from inside the country and from nongovernmental organizations (NGOs) monitoring the situation from abroad suggested that many protestors were killed by police, or fled into the jungle where some died from their wounds, afraid to seek medical treatment. Credible estimates put the number of protestors killed by police at least in double digits; some international organizations report that the figures may be much higher (see Section 2.b.).

Police in the Northwest Highlands reportedly beat to death Protestant believers Vang Seo Giao in July 2003 and Mua Bua Senh in 2002. Also in 2003, police in Nam Dinh Province beat to death Tran Minh Duc, who had been detained following a domestic dispute. No action was taken against officials involved in these killings. Authorities continued to investigate three other deaths in custody from 2002, including: The case of three police officers in Quang Nam Province who reportedly killed Nguyen Ngoc Chau while questioning him on murder charges; the case of two police officers in Vinh Phuc Province charged in the death of Khong Van Thoi; and the case of two prison guards in Hai Duong Province charged with manslaughter in the killing of prison inmate Pham Van Dung.

b. Disappearance

There were credible reports that some members of ethnic minority groups in the Central Highlands and Northwest Highlands who were either arrested or detained did not return to their families.

In 2002, in Dak Lak Province, police twice detained large numbers of Protestant villagers for worshipping without official approval. In both cases, most of those arrested were released after a few days, but as many as 70 of the villagers did not return. Police reportedly denied continuing to detain them.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits physical abuse; however, police sometimes beat suspects while arresting them or while they were in custody. In 2002, police reportedly beat to death at least two detainees (see Section 1.a.).

Diplomatic officials received a written report that in November 2003, militia soldiers and local officials in Nam Nga village, Lai Chau Province, allegedly raped two girls, destroyed several houses, killed livestock, and destroyed fences, allowing animals to enter fields and trample crops, in an attempt to punish individuals in the village for practicing Protestantism (see Section 1.f.).

Prisoners, including those held for political reasons, were reportedly moved arbitrarily to solitary confinement, where they were deprived of reading and writing materials, for periods of up to several months.

Prison conditions reportedly often were harsh, but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons. Most prisoners had access to basic health care. Prisoners generally were required to work, but received no wages (see Section 6.c.). During the year, visits by select diplomatic observers revealed Spartan, but generally acceptable conditions in at least two prisons.

Men and women were housed separately. Juveniles were housed separately from adult populations. Pretrial detainees were

generally held separately from convicted prisoners and were denied visits from family members, though relatives could provide them with money or certain supplies. Under revisions to the criminal procedures code that came into effect in July, pretrial detainees are allowed access to their lawyers from the point of detention; however, bureaucratic delays frequently limited initial contact between detainees and their lawyers, and some detainees particularly political activists--were not permitted regular access by lawyers until shortly before their trials. Unlike in previous years, prisoners sentenced to hard labor did not complain that their diet and medical care were insufficient to sustain good health. Although political and religious prisoners often were held under harsh conditions, there was no evidence to suggest their conditions were significantly different than those for the regular prison population.

During the year, the Government permitted selected diplomatic observers to visit prisons; however, the Government did not allow the International Committee of the Red Cross to visit prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens for the peaceful expression of their political and religious views.

Domestic police forces are part of the General Department of People's Police, a division of the MPS. Police organizations exist at the provincial, district, and local levels, and are subject to the authority of the people's committees at each level. The police were generally effective at maintaining political stability and public order, but NGOs assessed police capacities, especially investigative, as very low. Police training and resources were inadequate. Corruption was a significant problem among the police force at all levels. Internal police oversight structures exist and can be effective, but they were subject to political influences.

The Supreme People's Procuracy (public prosecutor) issues arrest warrants, generally at the request of police; however, police may make an arrest without a warrant on the basis of a complaint filed by any party. In such cases, the Procuracy must issue retroactive arrest warrants.

After a suspect is detained, a decision to initiate a formal criminal investigation must be issued by a judge within 9 days, or the suspect must be released. Under amendments to the Criminal Code which took effect in July, this investigative period may last from 3 months for "less serious" offenses (those that may result in less than 3 years' imprisonment) to 16 months for "exceptionally serious" offenses (those that may result in over 15 years' imprisonment, life imprisonment, or capital punishment) and an additional 4 months for national security cases. The amended code further permits the Procuracy an additional 2 months at the end of the investigation to consider whether they want to prosecute the detained, or return the case to the police for additional investigation. There is no legal limit on the time that a judge's panel (a body consisting of at least one judge and two lay assessors) has to rule on a case (see Section 1.e.). Time spent in pretrial detention usually counted toward time served upon conviction and sentencing.

Amendments to the Criminal Code that took effect in July grant defense lawyers access to their clients from the time of detention. During the investigative period, the amended code provides that defense lawyers be informed of interrogations and be able to attend them and be given access to case files and be permitted to make copies of documents in it. It was not yet clear whether this was respected in practice. In national security cases, defense lawyers are granted access to clients only after an investigation has ended. Although the Constitution provides for legal counsel for all persons accused of criminal offenses, a scarcity of trained lawyers made this provision difficult to implement. Counsel generally was provided only to those charged with crimes that could lead to life imprisonment or the death penalty. Prior to being formally charged, a detainee has a statutory right to notify family members, and, in most cases, police informed the family of the detainee's whereabouts. Family members may visit a detainee only with the permission of the investigator. Prior to July, the MPS usually prohibited contact between detainees and their lawyer while the procurator's office was investigating.

Courts may sentence persons to administrative detention of up to 5 years after completion of a sentence. In addition, according to Article 22 of the revised Ordinance on Administrative Violations, police or mass organizations can propose that five "administrative measures" be imposed by people's committee chairpersons at local, district, and provincial levels without a trial. These measures include terms ranging from 6 months to 2 years in either juvenile reformatories or adult detention centers and were generally applied to repeat offenders with a record of minor offenses such as petty theft or "humiliating other persons." People's committee chairpersons can also impose terms of "administrative probation" as defined by Decree 31/CP of 1997. This generally has been some form of house arrest. In October 2003, the People's Committee Chairman of Ho Chi Minh City sentenced four Unified Buddhist Church of Vietnam (UBCV) monks to 2 years' house arrest.

Citizens seeking to exercise freedom of religion, assembly, and expression were at times detained by security forces for several days. There were numerous reports that government officials in the Central and Northwest Highlands temporarily detained ethnic minority Protestant believers. For example, in Sapa District, Lao Cai Province, authorities detained without charge numerous ethnic minority Hmong Protestants in at least eight different communes during July and August (see Section 2.c.).

On occasion, foreign citizens also were detained and interrogated. For example, on July 29, U.S. citizen Larry Linh Nguyen was taken from a taxi in Ho Chi Minh City and handcuffed and blindfolded by individuals who identified themselves as MPS officers. Mr. Nguyen reported that he was held for 7 days in an empty house where the officers deprived him of sleep and aggressively interrogated him about his alleged affiliation with Vietnamese-American political groups opposed to the CPV. Mr. Nguyen was reportedly forced to sign and read before a video camera an affidavit stating that, if he were released, he would not inform

diplomatic officials about his detention. U.S. citizen Hoang The Lan was detained by public security officers early on the morning of August 2 in Soc Trang. He was reportedly taken to a house in Ho Chi Minh City where he was interrogated over a period of 4 days about his involvement with groups that advocate democracy in Vietnam. Mr. Hoang was reportedly told by the officers not to contact diplomatic officials about his detention. At least one other foreign national reported a similar experience, and a second reported a shorter period of detention and interrogation.

At year's end, UBCV leaders and at least one Hoa Hao follower remained under formal administrative detention. A number of Buddhist, Catholic, and Protestant clerics, as well as some writers and political activists, were subject to varying degrees of informal detention in their residences (see Sections 2.c. and 2.d.). In addition, activist groups have alleged that in 2003 and during the year over 2 dozen ethnic minority Protestant leaders were detained for varying periods, some may still be detained at year's end.

The Government amnestied prisoners at several times during the year, including an amnesty of 8,623 prisoners to mark the country's national day on September 2. Five religious prisoners benefited from these amnesties.

e. Denial of Fair Public Trial

The Constitution provides for the independence of judges and lay assessors; however, in practice, the CPV controls the courts at all levels, selecting judges, at least in part, for their political reliability. The CPV influenced high-profile cases and cases in which a person was charged with challenging or harming the CPV or the State. During the year, CPV and government officials likely exerted control over court decisions by influencing lay assessors and judges.

The system of appointing judges and lay assessors contributed to executive control over the judiciary. The President presents a nomination for the Presiding Judge of the Supreme People's Court (SPC) to the National Assembly for approval. The President directly appoints the other members of the SPC upon the recommendation of a committee including the Presiding Judge of the SPC, members of the Ministries of the Interior and Defense, the VFF, and the Vietnam Lawyers Association. At the provincial and district level, the recommending panel is headed by the Chairman of the Provincial People's Council (the provincial legislature) and includes members of the Provincial People's Court, Provincial Department of Personnel, the VFF, and the Provincial Lawyers' Association. Judges are appointed to 5-year terms. Provincial and district governments disburse judges' salaries at their respective levels. In 2002, the Government transferred authority over local courts from the Ministry of Justice to the SPC, in an effort to increase judicial independence. There was no evidence that this change had any effect on the independence of the courts.

Courts of first instance at district and provincial levels include judges and lay assessors, but provincial appeals courts and the SPC are composed of judges only. People's councils appoint lay assessors from a pool of candidates suggested by the VFF. Lay assessors are required to have "high moral standards," but legal training is not necessary. Some international observers suggested that the short terms of appointment for judges and lay assessors and the strong representation of provincial officials on their nominating boards frequently made judges and lay assessors subject to political pressures.

The judiciary consists of the SPC; the district and provincial people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a district people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a provincial people's court, which serves as the appellate forum for district court cases, as well as court of first instance for other cases. The SPC is the highest court of appeal and review. The SPC reports to the National Assembly. Administrative courts deal with complaints by citizens about official abuse and corruption.

Military tribunals, although funded by the Ministry of Defense (MOD), operate under the same rules as other courts. The MOD is represented on the judicial selection panels, and the head of the military tribunal system is the deputy head of the SPC. Military tribunal judges and assessors are military personnel, chosen jointly by the SPC and the MOD, but supervised by the SPC. The law gives military courts jurisdiction over all criminal cases involving military entities, including military-owned enterprises. The military has the option of using the administrative, economic, or labor courts for civil cases.

The CPV and the Government have established special committees to help resolve local disputes.

The Supreme People's Procuracy brings charges against an accused and serves as prosecutor during trials. Under revisions to the Criminal Procedures Code, which took effect in July, courtroom procedures were to change from an "investigative" system--in which the judge leads the questioning--to an "adversarial" system--in which prosecutors and defense lawyers advocate for their respective sides. This was intended to provide more protections for defendants and to prevent judges from coercing defendants into confessing guilt. The extent to which this change has been implemented in practice was not known at year's end. Although the Constitution provides that citizens are innocent until proven guilty, some lawyers complained that judges generally presumed guilt.

There was a shortage of trained lawyers and judges, and there was no independent bar association. Low judicial salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad in countries with Communist legal traditions. A Ministry of Justice newspaper reported that, in some courts, as many as 30 to 40 percent of verdicts were incorrect and that as many as 50 individuals had been wrongly imprisoned in the first quarter of the

year. The newspaper noted that, according to 2001 statistics, 31.2 percent of judgments in criminal cases made by local courts had to be re-examined and 46 percent of the verdicts in civil cases were wrong.

Government training programs to address the problem of inadequately trained judges and other court officials were underway. Foreign governments and the U.N. Development Program (UNDP) provided assistance; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary hampered progress.

Trials generally were open to the public; however, judicial authorities closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer, although not necessarily the lawyer of their choice. This right was generally upheld in practice. Defendants unable to afford a lawyer were generally only provided one in cases involving capital punishment. The defendant or the defense lawyer has the right to cross-examine witnesses; however, there were credible reports that defendants were not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Lawyers reported that they often had little time before trials to examine evidence to be presented against their clients. Convicted persons have the right to appeal. Courts did not publish their proceedings.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. On July 29, democracy activist Dr. Nguyen Dan Que was convicted of "abusing democratic freedoms to infringe upon the interests of the State" and sentenced to 30 months' imprisonment. In December 2003, journalist Nguyen Vu Binh was convicted of "spying." In June 2003, Dr. Pham Hong Son was convicted under the same charge. In 2002, activist Nguyen Khac Toan was sentenced to 12 years' imprisonment for spying. Diplomats and foreign journalists were refused permission to attend these trials (see Section 2.a.).

There were no reliable estimates of the number of political prisoners because the Government usually did not publicize such arrests, rejected the concept of political and religious prisoners, and sometimes conducted closed trials and sentencing sessions. There were at least 9 prisoners known to be held for political reasons and 22 prisoners reportedly held for religious reasons. Some sources had much higher estimates. Among those imprisoned were political activists Dr. Nguyen Dan Que, Pham Hong Son, Nguyen Vu Binh, Nguyen Dinh Huy (who reportedly was suffering from Parkinson's disease), Nguyen Khac Toan, human rights activist Tran Van Luong, scientist and writer Tran Van Luong, Nguyen Minh Thi Hoan, and religious persons Father Nguyen Van Ly, Thich Thien Minh, Bui Tan Nha, Nguyen Thien Phung, Hoang Trong Dung, Vang Chin Sang, Vang Mi Ly, Ly Xin Quang, and Ly Chin Seng.

The Government claimed that it did not hold any political or religious prisoners and that persons described as political or religious prisoners were convicted of violating national security laws or general criminal laws. As with the general prison population, the Government did not allow access by humanitarian organizations to political prisoners.

In March 2003, the Standing Committee of the National Assembly instructed that victims of judicial mistakes should receive compensation, and amendments to the Criminal Code that took effect in July specified procedures for compensating victims. There were no known cases of individuals receiving monetary compensation for judicial mistakes; however, Luong Huu Phi of Thai Binh Province had a suit pending at year's end for having been wrongfully imprisoned for over 5 ½ years. On July 29, the Hanoi People's Procuracy issued a formal public apology to Hoang Minh Tien, who had been wrongly convicted of embezzlement and imprisoned for 1 year. Tien was reportedly in negotiations about financial compensation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy of home and correspondence; however, the Government restricted this right significantly. Household registration and block warden systems existed for the surveillance of all citizens, but usually did not intrude on most citizens. The authorities focused on persons whom they regarded as having dissenting views, or whom they suspected of involvement in unauthorized political or religious activities.

Forced entry into homes is not permitted without orders from the Procuracy; however, in practice, security forces seldom followed these procedures but rather asked permission to enter homes, with an implied threat for failure to cooperate. Some individuals refused to cooperate with such "requests." In urban areas, police generally left when faced with noncompliance. In October 2003, security officers entered without permission a house in Gia Lai Province where a foreign diplomat was conducting a consular interview. The security officers later blocked the consular officer from entering residences in Dak Lak Province.

The Government opened and censored targeted persons' mail, confiscated packages and letters, and monitored telephone conversations, electronic mail, and facsimile transmissions. The Government cut the telephone lines and interrupted the cellular phone service of a number of religious and political activists and some of their family members.

The Government tightened control of the Internet, issuing a regulation that requires Internet agents, such as cyber cafes, to register the personal information of their customers and store records of Internet sites visited by customers. The Government also monitored e-mail, searched for sensitive key words, and regulated Internet content (see Section 2.a.).

The Government did not have a policy of forced resettlement. The Government resettled some citizens to make way for infrastructure projects. By law, citizens are to be compensated in such cases, but there were widespread complaints, including from the National Assembly, that compensation was not fair or was delayed. Unlike in previous years, there were no reports that

officials forced ethnic minority Protestants to leave their homes without providing them with compensation.

Membership in the CPV remained an aid to career advancement and was vital for promotion to senior levels of the Government; however, economic diversification made membership in CPV-controlled mass organizations and the CPV less essential to financial and social advancement. Opposition political parties were not permitted.

The Government continued to implement a family planning policy that urged families to have no more than two children; this policy emphasized exhortation rather than coercion. The Government can deny promotions and salary increases to government employees with more than two children.

Local officials harassed some family members of political activists. In November 2003, officials reportedly raped two girls in Nam Nga village, Lai Chau Province, to punish their families for following Protestantism (see Section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and freedom of the press; however, the Government significantly restricted these freedoms in practice, particularly with respect to political and religious speech. Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms. In 2003, the NGO Reporters Without Borders claimed that the Government severely restricted freedom of the press.

A press law requires journalists to pay monetary damages to individuals or organizations harmed as a result of their reporting, even if the reports are true. Observers noted that this law limits investigative reporting. Several media outlets continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; during the year, there were press reports about topics that generally were considered sensitive, such as the prosecution on corruption charges of high-ranking CPV officials. Nonetheless, the freedom to criticize the CPV and its senior leadership remained restricted.

The Government exercised oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship by the domestic media.

In early November, Truong Dinh Anh, the editor of an online newspaper, was criticized in official releases by the Ministry of Culture and Information for printing readers' comments critical of the reported purchase of 78 luxury cars by the Government for use at the Asia-Europe Meeting in Hanoi.

The law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. Senior government and party leaders traveled to many provinces to try to resolve citizen complaints. However, in January 2003, the Hanoi People's Court sentenced four persons to jail terms ranging from 24 to 42 months after they disseminated letters denouncing local land clearance policies. In August 2003, a court in Dong Nai Province sentenced four persons to prison terms of 30 to 42 months for inciting fellow farmers to voice complaints over provincial land use policies.

The Government continued to prohibit speech that questioned the role of the CPV, criticized individual government leaders, promoted pluralism or multiparty democracy, or questioned the Government's policies on sensitive matters such as human rights or the border agreement with China. The line between what constituted private speech and public speech in those areas continued to be arbitrary. On December 30, scientists Tran Van Luong and Nguyen Thi Minh Hoan were sentenced to 21 and 8 months in prison respectively, for having written essays critical of government economic policies. On July 29, democracy activist Dr. Nguyen Dan Que was sentenced to 30 months' imprisonment for posting an essay on the Internet that called for less government censorship. On July 9 and July 14, respectively, activists Tran Khue and Pham Que Duong were each sentenced to 19 months' imprisonment including time served after petitioning the Government for democratic reforms, the establishment of an anti-corruption body, and publication of the country's border treaties with China. In November 2003, democracy activist and former revolutionary Tran Dung Tien was sentenced to 10 months' imprisonment including time served after signing a letter that criticized the arrest of Duong and Khue. Tran Khue, Pham Que Duong, and Tran Dung Tien had all completed their prison sentences and were free at year's end. In December 2003, journalist Nguyen Vu Binh was convicted of "spying" after he had criticized the country's border agreement with China and sent testimony on human rights issues in the country to a foreign government. Binh was sentenced to 7 years' imprisonment and 3 years' house arrest. The sentence was upheld on appeal on May 5. In June 2003, Dr. Pham Hong Son was also convicted of "spying," and sentenced to 13 years' imprisonment and 3 years' house arrest, later reduced on appeal to 5 years' imprisonment, after translating an Internet article titled "What is Democracy." In December 2002, activist Nguyen Khac Toan was sentenced to 12 years' imprisonment for "spying" after disseminating the writings of other democracy activists.

On June 12, the Government reduced by 5 years the prison sentence imposed on Catholic priest Thaddeus Nguyen Van Ly, but added a 5-year administrative detention order to be served after his release. Father Ly originally was sentenced to 15 years' imprisonment in 2001 for "damaging national unity," but the sentence stood at 5 years, after the June reduction and a similar reduction in 2003. In 2001, Father Ly had submitted written testimony critical of the Government to the U.S. Commission on International Religious Freedom and frequently spoke out for political pluralism and complete religious freedom. In September

2003, the Ho Chi Minh City People's Court sentenced Father Ly's niece, Nguyen Thi Hoa, and two nephews, Nguyen Truc Cuong and Nguyen Vu Viet, to sentences ranging from 3 to 5 years' imprisonment for communicating information on his activities to foreign journalists. In November 2003, the Ho Chi Minh Court of Appeals reduced the sentences of the three siblings to time-served.

The Government restricted persons who belonged to unofficial religious groups from speaking publicly about their beliefs (see Section 2.c.).

Some persons who expressed alternative opinions on religious or political issues were not allowed to travel abroad (see Section 2.d.).

The CPV, the Government, and the party-controlled mass organizations controlled all print and electronic media.

Published reports on high-level government corruption and mismanagement became more common in recent years. Domestic papers reported extensively on the corruption trial of former Ministry of Agriculture official La Thi Kim Oanh and the subsequent dismissal of the Minister of Agriculture.

In September, the Government unexpectedly blocked press access to the first 2 days of the Asia-Europe People's Forum, an international conference on globalization and democracy.

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. The number of foreign staff allowed was limited, and local staff who worked for foreign media were required to be registered with the Foreign Ministry. The Government can withhold or withdraw registration. The Press Center monitored journalists' activities and decided on a case-by-case basis whether to approve interview, photograph, film, or travel requests, all of which in principle must be submitted 5 days in advance. The Press Center refused requests by foreign journalist to travel to the Central Highlands in the immediate aftermath of the April 10 protests in the region. By law, foreign journalists are required to address all questions to government agencies through the Foreign Ministry, although it appeared that this procedure often was ignored in practice. Foreign journalists generally received visas valid for 6 months. During the year, at least two foreign journalists were threatened with nonrenewal of their visas as a result of their reporting.

The Government generally required religious publishing to be done through one government-owned religious publishing house; however, some religious groups were able to print their own materials or import them, subject to government approval (see Section 2.c.).

Foreign-language editions of some banned books, such as Duong Thu Huong's "Memories of a Pure Spring," were sold openly by street peddlers, and Bao Ninh's previously banned book, "Sorrow of War," was available in bookstores in Vietnamese-language editions.

Foreign-language periodicals were widely available in cities; however, the Government occasionally censored articles about the country. The Government sometimes delayed availability of a foreign periodical because of sensitive articles. The Government generally did not limit access to international radio, except to Radio Free Asia and the Far East Broadcasting Corporation, which it continued to jam. The Government also jammed the broadcasts of Radio Sweden, but this appeared to be directed at the Far East Broadcasting Corporation, which used a similar frequency.

The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press; however, the law was not enforced uniformly and an increasing number of persons in urban and some rural areas had access to uncensored television footage via home satellite equipment or cable. Cable television, including foreign-origin channels, was available to subscribers living in urban areas, although the Government blocked Vietnamese subscribers from receiving certain news channels, including CNN and the BBC.

The Government censored art exhibits, music, and other cultural activities. However, the Government generally allowed artists broader latitude than in past years in choosing the themes for their works. Many artists received permission to exhibit their works abroad and received exit permits to attend the exhibits and export permits to send their works out of the country.

The Government only allowed access to the Internet through a limited number of Internet Service Providers (ISPs), all of which were State-owned joint stock companies.

In January, the MPS issued a decision forbidding direct access to the Internet through foreign ISPs, requiring domestic ISPs to store information transmitted on the Internet for at least 15 days, and further requiring ISPs to coordinate with the MPS to provide technical assistance and work space to public security agents to allow them to monitor Internet activities. The decision also requires Internet agents--such as cyber cafes--to register the personal information of their customers, to store records of Internet sites visited by customers for 30 days, and to cooperate with public security officials. It was not clear how fully these provisions were being followed in practice, although many cyber cafes did not register the personal details of their clients.

The Government used firewalls to block websites it deemed politically or culturally inappropriate, including sites operated by

exile groups abroad. The Government restricted access to the Radio Free Asia and Voice of America web sites during the year.

The Government required all owners of domestic web sites, including those operated by foreign entities, to register their sites with the Government and to submit their web site content to the Government for approval.

The Government restricted academic freedom, and foreign field researchers often were questioned and monitored. However, the Government permitted a more open flow of information, including in the university system, than in previous years. Local librarians increasingly were being trained in professional skills and international standards that supported wider international library and information exchanges and research. Foreign academic professionals temporarily working at universities in the country were allowed to discuss nonpolitical issues widely and freely in classes; however, government observers regularly attended classes taught by both foreigners and citizens. Security officials frequently questioned persons who attended programs on diplomatic premises or used diplomatic research facilities. Nevertheless, requests for materials from foreign research facilities increased. Academic publications usually reflected the views of the CPV and the Government.

b. Freedom of Peaceful Assembly and Association

The right of assembly is restricted in law, and the Government restricted and monitored all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. In general, the Government did not permit demonstrations that could be seen as having a political purpose. Persons routinely gathered in informal groups without government interference; however, the Government restricted the right of some unregistered religious groups to gather in worship.

There were numerous reports from the Northwest Highlands and Central Highlands that officials prevented meetings of some Protestant believers, or dispersed those meetings when they did occur (see Section 2.c.).

On April 10, ethnic minorities conducted unannounced demonstrations in numerous locations in the Central Highlands provinces of Dak Nong, Dak Lak, and Gia Lai to protest against lack of economic opportunity, loss of traditional lands, and restrictions on religion. Some protestors also called for the establishment of an independent state in the Central Highlands. In some of the demonstrations, individuals carried clubs and threw rocks at police officers. The majority of protestors were peaceful, and a number of demonstrations involved no violence. In a number of cases, police reportedly responded to the demonstrations by beating and firing upon protestors. On August 11 and 12, a court in Buon Ma Thuot sentenced Y Tlup ADrong, Y Yuan Bya, Y Hoang BKrong, Y K'rec Bya, Y Kuang E. Cam, Y Tan Nie, Y Nguyen K'doh, Y Som H'mok, and Y Bem Nie to between 5 and 12 years' imprisonment for having taken part in the protests. In mid-November, a court in Dak Nong Province sentenced 17 ethnic Ede to between 3 and 10 years in prison for having taken part in the protests. Human rights groups counted at least 76 Montagnards sentenced to prison for participating in protests in 2001 and during the year, and some observers estimated the figure may be considerably higher.

During the course of the year, peaceful small protests of farmers demanding redress for land rights issues frequently took place in front of government buildings in Hanoi. Police monitored these protests but did not disrupt them.

The Government restricted freedom of association. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF. However, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference (see Section 2.c.).

On May 14, a court in Ho Chi Minh City sentenced Nguyen The Hanh to 2 years in prison for having been involved with Vietnamese-American political activist groups during the 2 years he spent outside the country.

On May 4, a group of lawyers and journalists held a public ceremony in Hanoi to mark the establishment of "Lawyers for Justice," an advocacy group to aid victims of the police or legal injustice. On May 11, the leaders of the group were called in to meet with the head of the Hanoi Bar Association, who declared that their organization was illegal and that they must disband or be disbarred. Local newspapers and the Ministry of Justice newspaper carried accounts of these meetings. Subsequent to the meeting with the head of the Hanoi Bar Association, the group effectively disbanded.

In July, Tran Khue and Colonel Pham Que Duong were convicted in separate trials of "abusing democratic freedoms" and were both sentenced to 19 months' imprisonment including time served (they have since been released). In 2001, Khue and Duong sent a letter to the party and government leadership seeking permission to form a "People's Association to Support the Party and State to Fight Corruption." They later set up a web site--which the Government did not block--that included contact information, the petition, other documents written by various democracy activists and a bulletin board where several individuals recorded their reactions to the proposal. The site subsequently was removed from the Internet.

c. Freedom of Religion

The Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly organized activities of religious groups that it declared to be at variance with state laws and policies.

According to credible reports, the police arbitrarily detained persons based upon their religious beliefs and practice, particularly among ethnic minority groups in the Central and Northwest Highlands. In 2003 and 2002, there were also reports that two Protestants in those areas were beaten and killed for reasons connected to their faith (see Section 1.a.).

In June, the National Assembly issued an Ordinance on Belief and Religion, which took effect on November 15. However, at year's end, the Government had not issued the regulations required to implement the ordinance and authorities appeared to continue operating under pre-ordinance practices. The ordinance largely consolidated already existing policies regarding religious organizations in the country, but relaxed some controls on the promotion and transfer of clerics, the scheduling of religious activities, and the abilities of religious groups to carry out charitable functions. However, significant limitations remained on religious education and medical and charitable work by religious groups.

The Government still requires religious groups to be registered and used this process to control and monitor church organizations. The Government officially recognizes Buddhist, Roman Catholic, Protestant, Hoa Hao, Cao Dai, and Muslim religious organizations. To obtain official recognition, a group must obtain government approval of its leadership and the overall scope of its activities. Official approval is required for the opening of new places of worship, the ordination of clerics, the establishment of religious teaching institutions, and the entry of students into those institutions. The Government's approval process was slow and non-transparent. Annual activities by congregations had to be registered with authorities, and activities not on this annual calendar required explicit government approval. Officially recognized religious organizations were able to operate with varying degrees of freedom throughout the country, and followers of these religious bodies were usually able to worship without government harassment, except in some isolated provinces.

In December, the officially-recognized Evangelical Church of Vietnam: North (ECVN) held a national convention for the first time in 20 years. The convention initially had been delayed by refusal by the Government to grant permission, and more recently by reluctance of ECVN leaders to hold the meeting until they could ensure it would be free from government interference. The convention allowed the ECVN to vote on a new leadership board, appoint new pastors and begin a renovation and expansion program.

In addition to officially recognized religious denominations, numerous unrecognized denominations operated in the country, including independent Buddhists, Baptists, Mennonites, Jehovah's Witnesses, Mormons, Baha'i, independent Cao Dai and Hoa Hao groups, independent Sunni Muslims, and ethnic Cham Hindus. Some unrecognized Protestant, Buddhist, and Hoa Hao religious bodies have requested unsuccessfully official recognition of their organizations in recent years. Activities of unregistered religious groups were considered illegal by the authorities, and these groups sometimes experienced harassment. Many unregistered churches and temples, especially those in urban areas or belonging to traditional Hindu and Muslim groups, were allowed to operate without interference. The Government actively discouraged contacts between the illegal UBCV and its foreign supporters, and between unofficial Protestant organizations, such as the underground house churches, and their foreign supporters, although such contacts continued. Police routinely questioned some persons who held alternative religious or political views, such as UBCV monks and certain Catholic priests.

Despite the restrictions on organized activity, the Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly.

Under threat of physical abuse or confiscation of property, some ethnic minority Protestants allegedly were made to sign a formal, written renunciation or to undergo a symbolic ritual, which reportedly included drinking rice whiskey mixed with animal blood. Others refused, often with no known negative repercussions.

The Government sometimes prevented Protestants in the Northwest Highlands and the Central Highlands belonging to unregistered congregations from gathering to worship, forcing them to worship secretly in small family groups. In several Northwest Highlands provinces, provincial officials denied the existence of any religious believers despite recognition by the Central Government that many thousands of unregistered Protestants and Catholics resided there.

On October 11, police in Ho Chi Minh City disrupted an unregistered private bible study seminar and detained 2 unofficial Protestant pastors and 17 ethnic Hmong house church leaders from the Northwest Highlands. The 17 Hmong were held overnight and then returned to the Northwest Highlands. Local officials reportedly interrogated and beat some of the pastors upon their return.

On June 8, in Ho Chi Minh City, Mennonite house church leader Nguyen Hong Quang was detained. On November 12, he was sentenced to 3 years' imprisonment. Five of his followers were sentenced to between 9 months and 2 years in prison. Quang and his followers apparently were convicted as a result of an incident in March in which several of his followers confronted and scuffled with plainclothes police officers monitoring his residence. However, some observers connected Quang's arrest to his broader social activism. During Quang's detention, his wife continued to operate their unauthorized church, but repeatedly was harassed by police. One of Quang's followers, Le Thi Hong Lien, reportedly suffers from mental illness. She was placed in the prison infirmary, but the prison did not appear to be able to provide her with appropriate care and treatment.

The international NGO Human Rights Watch reported that security forces in Kontum Province demolished the chapel of Mennonite Pastor Nguyen Cong Chinh twice during the year. Authorities reportedly based their actions on the fact that Chinh had purchased under a false name the land on which the chapel was built. Other observers noted that at least one other unregistered Protestant church operates a short distance away from Chinh's, but suffered no harassment.

In July and August, authorities reportedly detained without charge over 100 Hmong Protestants--choosing 1 member from each Protestant family--in at least 5 different communes in Sapa District, Lao Cai Province. The authorities attempted to force the detainees to renounce Protestantism, releasing them only when they promised to do so. In March, police in Kon Tum Province reportedly harassed Protestant believers at a house church, seized Bibles, and fined the church organizer. Also that month elsewhere in Kon Tum, police reportedly detained an unregistered ethnic Gia Rai Protestant pastor three different times, beating him and attempting to force him to renounce his faith on each occasion. In 2003, there were several reports of local officials in Dak Lak and Gia Lai Provinces in the Central Highlands forcing ethnic minority Protestants to renounce their faith.

In some cases, particularly involving Hmong Protestants, when authorities prosecuted persons who had organized unauthorized religious services, they used provisions of the Penal Code that allow for jail terms of up to 3 years for "abusing freedom of speech, press, or religion," and terms of up to 2 years for "causing public disorder." The Penal Code establishes penalties ranging from 2 to 15 years' imprisonment for "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." Unlike in previous years, there were no reports that officials fabricated evidence.

In December 2003, authorities arrested Hmong house church leaders Vang Chin Sang, Vang Mi Ly, Ly Xin Quang, Ly Chin Seng, and Ly Xin Vang from Giap Trung village, Ha Giang Province, for leading "gatherings that caused public disorder" after organizing unauthorized religious services on four Sundays and two Thursdays in October and November 2003. The five Protestants were later sentenced to prison terms ranging from 26 to 36 months.

Government officials denied allegations that Protestant house churches were destroyed or disbanded on the basis that the churches were unregistered and therefore illegal. In September 2003, police reportedly destroyed a small Protestant house church in Ho Chi Minh City.

The Government continued to harass members of the banned UBCV and prevented them from conducting independent religious activities, particularly outside their pagodas. In September 2003, UBCV leaders met in Binh Dinh in what church members characterized as a de facto re-establishment of the UBCV structure and leadership. Security authorities intercepted several UBCV leaders leaving the meeting and returned them to their respective pagodas. During the year, several UBCV leaders, including Thich Huyen Quang and Thich Quang Do, remained confined to their pagodas and had restrictions on their ability to travel and meet with followers. In November, Thich Quang Do attempted to travel to Quy Nhon Province to visit Thich Huyen Quang, who was hospitalized at that time. Thich Quang Do was blocked from doing so and was returned to his pagoda in Ho Chi Minh City under police escort. However, foreign ambassadors were able to meet with Patriarch Thich Huyen Quang in April and November, and a visiting foreign official met with Thich Quang Do in November.

The Government continued to restrict the Roman Catholic Church and effectively maintained veto power over Vatican appointments of Catholic bishops. The Vatican and the Government reached agreement on mutually acceptable candidates, and all bishoprics were filled. The Government restricted the number of Catholic seminaries and the size and frequency of entering classes, although it did allow an 80 percent increase in the number of new students in at least one seminary. The Catholic Church believes the number of priests is insufficient to meet the needs of believers and has requested permission to increase further the size and frequency of classes and open a new seminary. The Government has not granted these requests. Candidates to enter seminary must receive government approval, and after graduation they must again receive government approval before being ordained as priests. A number of clergy reported a continued easing of government control over church activities in certain dioceses during the year. In many locales, local government officials allowed Catholic Church officials to conduct religious education classes (outside regular school hours) and some charitable activities; however, in other areas, officials strictly prohibited these activities. Catholic Church leaders indicated a desire to expand charitable activities after a new ordinance on religion took effect on November 15; however, this was not possible due to delays in the implementation of the ordinance.

The authorities amnestied imprisoned unregistered Hoa Hao leaders Le Quang Liem on August 23; Nguyen Hai Ha, who died 15 days after his release, on May 31; and Nguyen Van Lia in September. Other church followers remained in prison. Hoa Hao monks and believers following the Government approved Hoa Hao Administrative Council (HHAC) were generally allowed freedom to practice their faith. Between 100 and 200 visitors worshipped at the central Hoa Hao Pagoda in An Giang Province on a daily basis. Monks and followers who belong to dissident groups or decline to recognize the authority of the HHAC suffered more restrictions.

Unregistered Cao Dai sects also were restricted. In August, authorities arrested Hong Thien Hank, leader of the small To Dinh Tan Chieu Minh sect in Tien Giang Province. The Government claimed that Hank had engaged in illegal religious activities, printed and distributed religious information without permission, and defrauded believers.

Muslim Association members were able to practice their faith, including daily prayer and fasting during the month of Ramadan.

The Government restricted and monitored all forms of public assembly, including assembly for religious activities. Large regularly scheduled religious gatherings were allowed, such as the Catholic celebrations at La Vang and the Cao Dai celebrations in Tay Ninh Province. The Hoa Hao were allowed to hold large public gatherings to commemorate some traditional anniversaries, but not others.

Open adherence to a religious faith generally did not disadvantage persons in civil, economic, or secular life, although it likely would prevent advancement to the highest government and military ranks. Religious practice does not preclude membership in

the CPV. Some government and CPV officials admitted that they followed traditional and Buddhist religious practices.

Foreign missionaries may not operate as religious workers in the country, although many undertook humanitarian or development activities with government approval.

A government publishing house oversees the publishing of all religious materials. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications, including some in ethnic minority languages, were printed by government approved organizations.

The Government allowed religious travel for some religious persons; Muslims were able to take the Hajj (although apparently none did so during the year due to lack of foreign financial support), and more Buddhist, Catholic, and Protestant officials were able to travel and study abroad. The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted, freedom for travel outside these areas, particularly in ethnic areas. Many Protestant house church leaders traveled overseas during the year. Government officials discouraged officially recognized clergy from entering Son La Province, Lai Chau Province, and some other "sensitive" ethnic-minority highlands border provinces.

Persons who were religious practitioners in a non-State recognized group sometimes were not approved for foreign travel. On August 29, unregistered Protestant pastor Tran Mai was detained for 8 days after he allegedly committed immigration law violations when he returned to the country through Cambodia. In detention, Mai reportedly was interrogated about his religious activities and connections to imprisoned Mennonite pastor Nguyen Hong Quang. Protestant pastors Nguyen Lap Ma and Nguyen Nhat Thong were restricted from traveling or had to request permission from authorities to travel (see Section 2.d.).

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides that citizens "shall enjoy freedom of movement and of residence within the country...(and) freely travel abroad and return home...in accordance with the provisions of the law;" however, the Government imposed some limits on freedom of movement. Some local authorities required some members of ethnic minority groups to obtain permission to travel outside certain highland areas, including in some cases travel outside their own villages.

On September 6, the Prime Minister's office released a decision requiring citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of "national strategic storage," and "works of extreme importance for political, economic, cultural and social purposes."

Local officials reportedly informally discouraged some clergy from traveling domestically, even within their own provinces.

Officially, citizens had to obtain permission to change their residence. In practice, many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. Moving without permission hampered persons in obtaining legal residence permits. Foreign passport holders by law must register to stay in private homes; and local authorities at times refused to allow foreign visitors to stay with friends and family. Citizens are also required to register with local police when they stay overnight in any location outside of their own homes; the Government appeared to have enforced these requirements more strictly in some districts of the Central and Northwest Highlands. Police in Hanoi and Ho Chi Minh City used that requirement on two occasions to detain groups of ethnic Hmong house church leaders participating in private bible-study seminars and return them to their home provinces (see Section 2.c.).

Authorities barred travel by foreign diplomats to the Central Highlands after protests took place in the region on April 10. On and after April 26, diplomats and international press were allowed into the Central Highlands on several visits. During these visits they were received by local authorities and closely monitored by and prevented from deviating from set itineraries by men in plainclothes. Foreign diplomats visiting the Northwest Highlands were prevented by police from traveling to some areas.

Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes refused to issue passports. The Government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad.

Citizens' access to passports sometimes was constrained by factors such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe. Unlike in previous years, there were no reports that Protestant pastors who had served time in reeducation camps were denied passports. Some family members of ethnic minorities granted refugee status abroad were reissued household registration papers with the missing member removed. In other cases family members of refugees were unable to obtain passports to reunite abroad.

The Constitution does not provide for forced internal or external exile; however, cases amounting to de facto exile exist. In October 2003, several UBCV leaders were forcibly returned to their home pagodas and placed under official or unofficial house arrest there (see Section 2.c.). Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho

Province since 1982, but authorities have allowed him to travel to Ho Chi Minh City for monthly medical check-ups since he suffered a stroke in 1998. Another Protestant pastor, Nguyen Nhat Thong, has been forced to reside in a remote village in Binh Thuan Province since 1979. He has been allowed to travel outside the village since 1986, but must ask for the permission of local authorities each time. On January 26, Protestant pastor Tran Dinh Ai, a Vietnamese citizen and frequent critic of the Government now living abroad, was refused entry into the country at Ho Chi Minh City's Tan Son Nhat Airport.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, former U.S. government employees, family reunification cases, and returnees from camps of first asylum elsewhere in the region (under the Resettlement Opportunity for Vietnamese Returnees program). Most of these programs were closed to new applicants nearly a decade ago, with the number of cases in some categories now in the low double digits. (An exception was the Amerasian program, which remained open to new applicants; however, this program remains on hold pending new adjudication guidelines.)

The Government generally permitted citizens who had emigrated abroad to return to visit. Officially, the Government considers anyone born in the country to be a citizen, even if they have acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the President. However, in practice, the Government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The Government generally encouraged visitation by such persons, but sometimes monitored them carefully.

Following the April 10 protests in the Central Highlands a number of Montagnards hid in forests and rubber plantations, and some attempted to flee across the border into Cambodia (see Section 2.b.). Vietnamese police attempted to block these potential refugees and reportedly crossed the border into Cambodia. The U.N. High Commissioner for Refugees (UNHCR) sought to monitor conditions in the Central Highlands without restriction to ensure the safety of returned refugees. The Government did not allow this access. Thirteen potential refugees who received UNHCR protection in Phnom Penh independently returned to Vietnam in October. According to Vietnamese authorities, the 13 returned safely to their homes. However, newspapers later printed accounts that made it clear that the 13 had been interrogated extensively by authorities upon their return.

On March 12, Pham Van Tuong, a former UBCV monk known as Thich Tri Luc, was convicted by a court in Ho Chi Minh City of "fleeing abroad or defecting to stay overseas with a view to opposing the people's administration," and sentenced to 20 months imprisonment, including 19 months time served. Released March 26, he left for another country in June, where he was granted refugee status.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In July, international NGOs and press reports speculated that the Government allowed more than 450 North Koreans illegally present in Vietnam to travel to South Korea. Reports from similar sources in August stated that as many as 100 North Korean refugees had been forcibly returned to China.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution does not provide the right for citizens to change their government peacefully, and citizens could not freely choose and change the laws and officials that govern them. All authority and political power is vested in the CPV, and the Constitution delineates the leadership of the CPV. Political opposition movements and other political parties are illegal. The CPV Politburo is the supreme decision-making body in the nation, although it technically reports to the CPV Central Committee. During the first session of the Ninth Congress of the CPV in April 2001, the CPV replaced the standing board with a Secretariat consisting of at least 11 members, to oversee day-to-day implementation of leadership directives.

The Government continued to restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the one-party State is permitted; however, there were instances of unsanctioned letters critical of the Government from private citizens, including some former senior party members, which circulated publicly.

The Government strongly encouraged eligible citizens to vote in elections. Revisions to the Law on Election of Deputies to People's Councils, issued by the National Assembly in November 2003, provided for higher numbers of female and minority candidates, more candidates per position, and fewer party members standing for seats in people's council elections at all levels. Nonetheless, the party-controlled VFF approved all candidates for people's councils, as it did for national and provincial assembly elections. Although voting is not compulsory, election officials applied many means to persuade citizens to vote, including using public address systems to ask late voting citizens by name to come to the polls. The Government claimed a 99.7 percent voter turnout for the April people's councils election. Proxy voting, while illegal, appeared widespread. In addition, most voting was over by 10:00 a.m., although polls were required to stay open until 7:00 p.m.

The National Assembly, although subject to the control of the CPV (all of its senior leaders and 90 percent of its members were party members), increasingly served as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, it did not initiate legislation and did not pass legislation that the CPV opposed. CPV officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. Legislators continued to question and criticize ministers in biannual National Assembly sessions that were broadcast live on television.

Corruption continued to be a major problem. The Government publicized efforts to fight corruption, including publicizing budgets at different levels of government and streamlining government inspection measures. Cases of government officials accused of corruption were broadcast widely, including the trial of senior Ministry of Agriculture official La Thi Kim Oanh, the arrest of nine Ministry of Trade officials, and the removal of several top district officials from Phu Quoc island. Two Deputy Ministers of Agriculture convicted of "dereliction of duty" in the Oanh case had their sentences reduced from imprisonment to probation after the Minister of Agriculture testified on their behalf. A requirement announced on March 17 that candidates for people's councils publicly declare their assets was quietly scrapped a short time later.

In accordance with the amended Law on Promulgation of Legal Normative Documents, the Official Gazette published most legal documents in its daily publication.

The law provides the opportunity for equal participation in politics by women and minority groups. Women held a number of important government positions, including the Vice Presidency. There were 136 women in the 498-seat National Assembly; there were 3 women at the ministerial level; however, there were no female members of the Politburo. There were only a few women in provincial-level leadership positions.

There were 87 ethnic minority members in the 498-seat National Assembly and 2 ethnic minority members serving in cabinet-level positions. The CPV General Secretary is a member of the Tay ethnic minority group; however, the number of minorities in government or national-level politics did not accurately reflect their percentage of the population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit private, local human rights organizations to form or operate. The Government generally did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices and used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of assembly, interference with personal communications, and detention. However, the Southern Evangelical Church of Vietnam (SECV) and Catholic Church did not suffer any apparent adverse consequences from widely publicized 2003 letters to the Government criticizing alleged religious oppression of ethnic minorities in the Central Highlands.

The Government generally prohibited private citizens from contacting international human rights organizations, although some activists did so. The Government did not allow visits by international NGO human rights monitors; however, it did allow representatives from the press, the U.N., foreign governments and international development and relief NGOs to visit the Central Highlands in April and May. The Government criticized almost all public statements on human rights issues by international NGOs and foreign governments.

The Government generally was willing to discuss human rights problems bilaterally with some foreign governments. During the year, several foreign governments held official talks concerning human rights.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. Some persons formerly interned in reeducation camps on the basis of association with the pre 1975 government continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the pre-1975 government still faced economic hardship as a result of past employment restrictions and discrimination, but none were known still to be incarcerated for their activities before 1975. These veterans and their families generally were unable to obtain employment with the Government. This prohibition was less restrictive than in previous years because of the growth of job opportunities in the private sector.

Women

The Penal Code proscribes punishment ranging from warnings to up to 2 years' imprisonment for "those who cruelly treat persons dependent on them;" however, the police and legal system were generally not equipped to deal with cases of domestic violence. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. Domestic violence against women reportedly was common. Hotlines for victims of domestic violence run by domestic NGOs exist in some major cities, and the Vietnam Women's Union, a mass organization guided by the CPV, introduced small projects to counter domestic violence in some areas. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront the social and family stigma and economic uncertainty of divorce.

Under the Penal Code, it is a crime to use violence, threaten violence, take advantage of a person who is unable to act in self-defense, or resort to trickery to have sexual intercourse with a person against that person's will. This appears to criminalize rape, spousal rape, and, in some instances, sexual harassment; however, there were no known instances of prosecution for spousal rape. NGOs and party-controlled mass organizations took some steps to establish shelters for victims of abuse and trained police to deal with domestic violence.

Prostitution is officially illegal but appeared to be tolerated widely. Some women were coerced to work as prostitutes, and some were victimized by false promises of lucrative work (see Section 5, Trafficking). Many more women felt compelled to work as prostitutes because of poverty and a lack of other employment opportunities. Estimates varied widely, but some NGOs estimated that there were 300,000 prostitutes in the country, including those who engaged in prostitution part-time or seasonally. There were reports in 2003 that some persons in Ho Chi Minh City addicted young women to heroin and forced them to work as prostitutes to earn money for drugs. Parents often expected an eldest daughter to assume responsibility for a significant part of a family's finances. There were reports that some parents coerced daughters into prostitution or made extreme financial demands that compelled them to engage in prostitution. The Vietnam Women's Union as well as international NGOs engaged actively in education and rehabilitation programs to combat these abuses.

While there is no legal discrimination, women faced deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, few women competed successfully for higher status positions. The Constitution provides that women and men must receive equal pay for equal work; however, the Government did not adequately enforce this provision. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions. Opportunities for young professional women have increased markedly in the past few years, with greater numbers of women entering and staying in the civil service, universities, and the private sector.

The VFF-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operated micro-credit consumer finance programs and other programs to promote the advancement of women. International NGOs and other international organizations regarded the Union as effective, but they and Women's Union representatives believed that more time is required to overcome societal attitudes that relegated women to lower status than men. The Government also has a committee for the advancement of women, which coordinated inter-ministerial programs that affected women.

Children

International organizations and government agencies reported that, despite the Government's promotion of child protection and welfare, children continued to be at risk of economic exploitation. While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education were strained and where children were needed for agricultural labor. Due to lack of classroom space, most schools operated two sessions, and children attended either morning or afternoon classes. Some street children both in Ho Chi Minh City and Hanoi participated in night education courses. The culture's strong emphasis on education led parents who could send children to school to do so, rather than to allow them to work. The public school system includes 12 grades. Over 90 percent of children attended primary grades; however, the percentage that attended lower and upper secondary school was much lower. While secondary school enrollments have increased sharply, they were still at less than 75 percent of eligible students for lower secondary and less than 50 percent for upper secondary. Enrollments were lower at all educational levels in remote mountainous areas, although the Government ran a system of subsidized boarding schools through the high school level for ethnic minority students. Religious groups operated some orphanages, despite the Government's prohibition on such activities, and sent the children to public schools during the day.

The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by severely limited budgets. According to UNICEF, despite growth in incomes over the past decade, severe malnutrition remained a problem; approximately 39 percent of children under 5 years of age were underweight during the 1995-2000 timeframe.

Widespread poverty contributed to continued child prostitution, particularly of girls, but also of some boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons.

Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of sexual exploitation. Press reports documented the conviction and imprisonment of a number of traffickers (see Section 5, Trafficking). Individuals also were convicted in cases in which parents received payments in exchange for giving up their infant children for adoption. In addition, small children and infants were sometimes kidnapped and sold to traffickers in China. In July, police in Hanoi arrested a woman suspected of kidnapping six children in the impoverished provinces of Thanh Hoa and Nghe An for sale in China. Mass organizations and NGOs continued to operate limited programs to reintegrate trafficked children into society. During the year, new programs designed to provide protection and reintegration assistance for trafficking victims through psychosocial support and vocational training, as well as to supplement regional and national prevention efforts by targeting at-risk populations for similar services, started operation in the north of the country.

According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were 21,869 street children in the country as of February 2003. Street children were vulnerable to abuse and sometimes were abused or harassed by police. International NGOs documented numerous cases of Cambodian children trafficked to Ho Chi Minh City for short-term work in begging rings. Police picked up street children in Hanoi and Ho Chi Minh City and held them in juvenile detention facilities in advance of the

December 2003 Southeast Asia Games.

Trafficking in Persons

The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation was a serious problem. There were no known cases of trafficking in persons for labor during the year. While reliable statistics on the number of citizens trafficked were not available, there was evidence that the number has grown in recent years. The Social Evils Department of the MOLISA and the Criminal Police Department of the MPS were the main government agencies involved in combating trafficking, in cooperation with the Ministry of Justice, the Women's Union, and the Border Guards. The police took an increasingly active role in investigating trafficking during the year, including establishing a dedicated anti-trafficking force.

During the year, the Government increased its efforts to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for each offense for persons found guilty of trafficking women, and for between 3 years and life in prison for each offense for persons found guilty of trafficking children. Hundreds of traffickers have been convicted and imprisoned. The Government worked with international NGOs to supplement law enforcement measures and cooperated with other national governments to prevent trafficking. It also cooperated closely with other countries within the framework of INTERPOL and its Asian counterpart. The country hosted an international conference in February on trafficking and human smuggling as part of the Bali Process.

The country was a source for trafficking in persons. Women were trafficked primarily to Cambodia and China for sexual exploitation and arranged marriages. According to one report, between 1990 and 2000, approximately 20,000 young women and girls were sent to China to become brides, domestic workers, or prostitutes; however, it was not clear how many were victims of trafficking. Between 1995 and 2000, approximately 5,000 women and children were trafficked to and escaped from Cambodia. Some women also were trafficked to Singapore, Hong Kong, Macau, Thailand, Taiwan, the United Kingdom, and the United States. There also were reports that some women going to Taiwan, Hong Kong, Macau, and China for arranged marriages were victims of trafficking. The Government estimated that approximately 10 percent of women in arranged marriages with Chinese men may have become trafficking victims. Women and children also were trafficked within the country, usually from rural to urban areas. There were no incidents of trafficking of adult males domestically or abroad during the year.

Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of prostitution. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17 years of age. Some reports indicated that the ages of girls trafficked to Cambodia typically were even lower.

Provincial- and national-level authorities made combating trafficking in women and children a priority. In September 2003, the Deputy Prime Minister held a high-level meeting of all relevant agencies to assess anti-trafficking efforts and to chart a course forward. As a result of that meeting, MPS coordinated the Government's interagency anti-trafficking efforts.

There were reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. There was reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival, women were forced into conditions similar to indentured servitude; some were forced into prostitution. In 2002, the Government suspended the licenses of marriage mediation services and transferred their function to the Women's Union. The services had helped to arrange marriages between women and foreigners, primarily Taiwanese men. Government officials still noted that it is difficult to obtain information from Taiwanese officials on cases of alleged trafficking in Taiwan. During the year, the Ho Chi Minh City Women's Union established a pilot program to counsel and assist women who plan to become overseas brides.

Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. MPS and UNICEF research indicated that trafficking victims can come from any part of the country, but were concentrated in certain northern and southern border provinces as well as the central province of Thanh Hoa. Some were sold by their families as domestic workers or for sexual exploitation. In some cases, traffickers paid families several hundred dollars in exchange for allowing their daughter to go to Cambodia for an "employment offer." Many victims faced strong pressure to make significant contributions to the family income. Others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, spouses, and employers.

Individual opportunists and informal networks, as well as some organized groups, lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes (see Section 5, Women). The Government stated that organized criminal groups were involved in recruitment, transit, and other trafficking-related activities.

Corruption was a serious problem at all levels, and some officials were involved in the flow of overseas workers into exploitative conditions or into trafficking. There were no cases in 2003 indicating that governmental authorities or security forces facilitate or condone trafficking in persons. However, the Government has a persistent problem with corruption, which is particularly severe among street-level police and border agents. There were several cases in 2003 in which officers in state-owned enterprises were found to have facilitated illegal migration through labor export. The Government prosecuted these cases. In May 2003, three officials from the Employment Service Center of the Administration Department of the General Staff Department of the Ministry of Defense (MOD) were found to have participated in a scheme to send workers to Malaysia, where they were exploited. One of them was prosecuted by the local police in Thai Binh Province and the two others by MOD's Criminal Investigation

Division. Also in 2003, the press also reported that the Acting Chief of the Center for Development and Application of Technology and Science--an NGO supported in part by the Government--was sentenced to 9 years in prison for involvement in a predatory labor export scheme.

Official institutions, including the MOLISA, the Women's Union, the Youth Union, and the Committee for Population, Family, and Children, had active programs aimed at prevention and victims' protection. These programs included warning women and girls of these dangers, repatriation programs, and vocational training for teenage girls in communities considered vulnerable to trafficking. Government agencies worked closely with the International Organization for Migration and other international NGOs to provide temporary shelter, some medical services, education, credit, counseling, and rehabilitation to returned trafficking victims.

Throughout the year, security agencies with border control responsibility have also received training in investigative techniques that can be used to prevent trafficking.

Persons with Disabilities

The law requires the State to protect the rights and encourage the employment of persons with disabilities; however, the provision of services to persons with disabilities was limited. Responsible government agencies worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The Government operated a small network of rehabilitation centers to provide long-term in-patient physical therapy.

Educational opportunities for children with disabilities were poor, but improving. Just over 10 percent of children with disabilities were enrolled in school. During the year, the Government worked with the World Bank and international NGOs to train additional teachers for students with disabilities.

The law provides for preferential treatment for firms that recruit persons with disabilities for training or apprenticeship and for fines on firms that do not meet minimum quotas of 2 to 3 percent of their workforce for workers with disabilities; however, the Government enforced these provisions unevenly. Firms with 51 percent disabled employees can qualify for special government-subsidized loans. In 2002, the Ministry of Construction enacted the "Barrier-Free Design and Construction Code" and "Standards for Access for People with Disabilities," which requires that the construction or major renovation of new government and large public buildings include access for persons with disabilities. The Ministry of Construction trained architects and engineers in the new requirements. At year's end, the Government was developing an enforcement and compliant process to support these new codes.

International groups also assisted the Government in implementing programs to increase access by persons with disabilities to education and employment.

National/Racial/Ethnic Minorities

Although the Government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities was widespread. In addition, there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities. The Government continued to implement policies to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Kinh by granting preferential treatment to domestic and foreign companies that invested in highland areas. The Government ran special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school- and middle school-levels, and offered special admission and preparatory programs as well as scholarships at the university level.

The Government resettled some ethnic minorities from inaccessible areas to locations where basic services were easier to provide; however, the resettlement sometimes diluted political and social solidarity of these groups. The Government acknowledged that one of the goals of resettlement was to impel the minorities to change from traditional swidden agricultural methods to sedentary agriculture. This also had the effect of making more land available to ethnic majority Kinh migrants to the mountainous areas. In August, the Government announced a suspension of state-sponsored migration programs to bring settlers to the Central Highlands, and vowed to discourage spontaneous migration into the area. However, in September, provincial officials said that they were not aware of a change in migration policy. Large-scale migration of ethnic Kinh to the Central Highlands in past years led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The loss of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in the Central Highlands in 2001 and during the year.

There were numerous credible reports that groups of Montagnards continued to flee to Cambodia to escape ethnic and religious repression in the Central Highlands. These numbers increased after the April 10 demonstrations. Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing their Protestant religion without official approval (see Section 2.c.).

The Government continued to impose extra security measures in the Central Highlands, especially after the April demonstrations. There were numerous reports of Montagnards seeking to cross into Cambodia being returned to Vietnam by

Vietnamese police operating on both sides of the border, sometimes followed by beatings and detentions; however, the Government continued to implement measures to address the causes of the unrest and initiate new measures as well. The Government allocated land to ethnic minorities in the Central Highlands through a special program; however, there were complaints that some of the allocated land was poor (see Section 2.d.).

The Government continued a program to conduct classes in some local ethnic minority languages up to grade five. The Government worked with local officials to develop a local language curriculum. The Government appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern provinces. The Government broadcast radio and television programming in ethnic minority languages in some areas. The Government also instructed ethnic Kinh officials to learn the language of the locality in which they worked; however, implementation was not widespread. Provincial governments implemented initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and be sensitive and receptive to ethnic minority culture and traditions.

Other Societal Abuses and Discrimination

There was no evidence of official discrimination against persons with HIV/AIDS; however, there remains substantial societal discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

Workers are not free to join or form unions of their choosing. Trade unions are controlled by the CPV. All unions must be approved by and must affiliate with the party-controlled Vietnam General Confederation of Labor (VGCL). The VGCL claimed that it represented 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. Approximately 500,000 union members worked in the private sector, including enterprises with foreign investment. The vast majority of the workforce lived in rural areas, engaged in small-scale farming, and was not unionized. The overall level of unionization of the workforce was 10 percent.

Union leaders influenced key decisions, such as the amendment of labor legislation, development of social safety nets, and the setting of health, safety, and minimum wage standards. However, the VGCL asserted that authorities did not prosecute some violations of the Labor Law. For example, workers at Thien An Company Ltd in Ho Chi Minh City conducted three strikes during the year, complaining that the company repeatedly violated the labor law on matters of wages and social insurance. Authorities took no legal action against the company.

While the Labor Law states that all enterprise-level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated "labor associations" were organized at many individual enterprises and in occupations such as taxi, motorcycle and cyclo drivers, cooks, and market porters. The ILO and the UNDP cooperated on a large multiyear technical assistance program to strengthen labor law implementation. This involved projects that encouraged job promotion for young women and improvements in occupational safety and health, among other objectives. The ILO was also implementing two projects on eliminating child labor and improving industrial relations, including collective bargaining and dispute settlement. In December, the country held its first national dialogue on industrial relations.

The Labor Law prohibits antiunion discrimination on the part of employers against employees who seek to organize.

Individual unions legally are not free to affiliate with, join, or participate in international labor bodies; however, the VGCL had relations with 95 labor organizations in 70 countries.

b. The Right to Organize and Bargain Collectively

Under the law, the provincial or metropolitan branch of the VGCL was responsible for organizing a union within 6 months of the establishment of any new enterprise, and management is required to cooperate with the union. The Labor Law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers.

The Labor Law provides for the right to strike if workers follow the stipulated process of conciliation and arbitration. The law requires that management and labor first attempt to resolve labor disputes through the enterprise's own labor conciliation council. However, many enterprises did not have labor conciliation councils. In the absence of such a council or if a council fails to resolve a labor dispute, the dispute is referred to labor arbitration successively at the district and provincial levels. Individual workers may take cases directly to the people's court system, but in most cases, only after conciliation has been attempted and failed. Unions have the right to appeal decisions of provincial labor arbitration councils to provincial people's courts or to strike. Because this process was lengthy and the necessary dispute resolution bodies in many provinces and localities have never been established, nearly every strike became de jure illegal.

According to the Ministry of Labor, 60 strikes took place in the first 6 months of the year. In 2003, 119 strikes occurred, an increase of 43 over the 2002 number. Of these, 81 were against foreign-invested enterprises, 35 involved domestic private

enterprises, and 3 affected state-owned firms. Other sources reported 14 strikes against state-owned firms. For example, in September 2003, nearly 400 workers at a company in Ho Chi Minh City blocked the entrance to the factory over unpaid salaries. Also in September 2003, 300 workers demonstrated at another Ho Chi Minh City factory to protest harsh working conditions. Although strikes typically did not follow the authorized conciliation and arbitration process, and thus were of questionable legality, the Government tolerated them and took no action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, the local and provincial levels of the VGCL unofficially supported many of them. The Labor Law prohibits retribution against strikers, and there were no reports of retribution. In some cases, the Government disciplined employers for the illegal practices that led to strikes. For example, Tuoi Tre newspaper reported that in 2002 Doanh Duc Company Ltd. fought with workers who had struck against the company's violations of the labor law. A Government inspection team later investigated the incident and ordered the company to compensate injured workers and asked the police to take measures against the employer.

The Labor Law prohibits strikes in 54 occupational sectors and businesses that serve the public or are considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: Electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the Prime Minister the right to suspend a strike considered detrimental to the national economy or public safety.

The same labor laws in effect for the rest of the country govern the growing number of export processing zones and industrial zones. There was anecdotal evidence that the Government enforced labor laws more actively in the zones than outside them.

c. Prohibition of Forced or Compulsory Labor

The Labor Law prohibits all forms of forced and compulsory labor, including by children; however, there were reports that thousands of children worked in exploitative situations (see Section 6.d.). Some women were coerced into prostitution (see Section 5).

Prisoners routinely were required to work for little or no pay. They produced food and other goods used directly in prisons or sold on local markets reportedly to purchase items for prisoners.

A government ordinance requires all male citizens between 18 and 45 years of age and women between 18 and 35 years of age to perform 10 days of annual public labor; however, this ordinance was rarely enforced. The ordinance also allows citizens to find a substitute or pay a marginal fee instead of working.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was a problem. The Labor Law prohibits most child labor, but allows exceptions for certain types of work. The law sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18 if the firm obtains permission from parents and the MOLISA. The ILO reported in 2001 that approximately 20,000 children between the ages of 8 and 14 years worked part-time or full-time in violation of the Labor Law. That estimate may be low, since many more children worked in the informal sector, usually on family farms or in family businesses not within the scope of the Labor Law.

By law, an employer must ensure that workers under 18 years of age do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the Labor Law. The Labor Law permits children to register at trade training centers, a form of vocational training, from 13 years of age. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care.

There were reports that enterprises, including companies with foreign investment, have discovered underage workers in their employ. According to reliable sources, this usually occurred because the worker had presented false identity documents. Once discovered, the children lost their jobs, but in many cases the companies paid for their schooling and promised to reemploy them once they were of age.

In rural areas, children worked primarily on family farms and in other agricultural activities. In some cases, they began work as young as 6 years of age and were expected to work as adults by the time they were 15 years of age. In urban areas, children also work in family-owned small businesses. Migration from rural to urban settings exacerbated the child labor problem as unauthorized migrants were unable to register their households in urban areas. This meant that their children could not attend public schools and families had less access to credit. Officials said that juveniles in Education and Nourishment Centers, which functioned much as reform schools or juvenile detention centers do elsewhere, were assigned work for "educational purposes."

A study of child labor in Ho Chi Minh City found cases in which parents in poor families entered into "verbal agreements" with employers, who then put their children to work; the children's salaries were sent directly to the parents.

Government officials have the power to fine and, in cases of Criminal Code violations, prosecute employers who violate child labor laws. While the Government committed insufficient resources to enforce effectively laws providing for children's safety, especially for children working in mines and as domestic servants, it detected some cases of child exploitation, removed the

children from the exploitative situations, and fined the employers. International donor assistance targeted the problem of child labor. In addition, a child labor unit was established within the MOLISA.

The law prohibits forced and compulsory labor by children; however, thousands of children worked in exploitative situations and were trafficked both domestically and internationally for the purpose of sexual exploitation (see Section 5).

e. Acceptable Conditions of Work

The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures was \$40 (626,000 dong) in urban districts of Hanoi and Ho Chi Minh City; \$35.90 (556,000 dong) in rural districts of Hanoi, Ho Chi Minh City, and districts of Hai Phong, Bien Hoa City, and Vung Tau City; and \$31.40 (487,000 dong) elsewhere. The Government may temporarily exempt certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$29.90 (417,000 dong). The official monthly minimum wage of the State sector was \$18.80 (290,000 dong). This amount remained inadequate to provide a worker and family a decent standard of living. The new salary policy benefited over 6 million persons, including 300,000 public servants working in administrative organizations, CPV bodies, and unions. However, state-owned enterprises consistently paid more than that minimum wage. The number of workers who received government-subsidized housing decreased. Many workers received bonuses and supplemented their incomes by engaging in entrepreneurial activities. Households frequently included more than one wage earner.

The Government set the workweek for government employees and employees of companies in the state sector at 40 hours and encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours, but did not make compliance mandatory.

The Labor Law sets normal working hours at 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at 1.5 times the regular wage, two times the regular wage on weekly days off, and three times the regular wage on holidays and paid leave days. The law limits compulsory overtime to 4 hours per week and 200 hours per year. Amendments to the Labor Law in 2002 provide for an exception in special cases where this maximum can be up to 300 overtime hours worked annually, subject to stipulation by the Government after consulting with the VGCL and employer representatives. The law also prescribes annual leave with full pay for various types of work. It was unclear how well the Government enforced these provisions.

According to the law, a female employee who is engaged, pregnant, on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement was inadequate because of low funding and a shortage of trained enforcement personnel. The VGCL reported that there were 300 labor inspectors in the country, but that at least 600 were needed. On-the-job injuries due to poor health and safety conditions in the workplace were a problem. According to MOLISA statistics, there were 4,089 injuries and 513 fatalities resulting from 3,896 work-related accidents (some involving multiple workers) in 2003; however, there was evidence that workers, through labor unions, were effective in improving working conditions. Some foreign companies with operations in the country have established independent monitoring of problems at their factories. Companies reported that the MOLISA or provincial labor agencies performed labor and occupational safety and health inspections at enterprises when they learned of serious accidents or when there were reports of hazardous conditions.

The Labor Law provides that workers may remove themselves from hazardous conditions without risking loss of employment; it was unclear how well this stipulation was enforced in practice. MOLISA states that there have been no worker complaints of employers failing to abide by it.